

U.S. DEPARTMENT OF HOMELAND SECURITY
U.S. Customs and Border Protection

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ORIGINATING OFFICE: OC

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REVIEW DATE: October 2028

U.S. Customs and Border Protection
Emergency Driving and Vehicular Pursuits

- 1. PURPOSE.** The purpose of this directive is to establish U.S. Customs and Border Protection (CBP) guidelines governing Emergency Driving and Vehicular Pursuits (EDVP).
- 2. BACKGROUND.** CBP's mission to safeguard America's borders is critical to national security. EDVPs are inherently high-risk operations that demand sound judgment and tactical discipline. In all instances, CBP authorized officers/agents shall only use force that is objectively reasonable and necessary to effectively bring an incident under control, while balancing law enforcement benefit and risk to the public.

This directive provides minimum standards on risk assessment, decision-making criteria, and operational procedures for EDVPs. It establishes clear protocols for when and how authorized officers/agents should initiate, continue, tactically intervene, and terminate such operations, ensuring that enforcement actions align with CBP's commitment to protect the American people, safeguard our borders, and enhance the nation's economic prosperity.

This directive further standardizes data collection, analysis, and review processes to enable evidence-based evaluation of EDVPs and facilitates strategy refinement based on empirical outcomes.

- 3. SCOPE.** This directive applies to all CBP authorized officers/agents engaging in emergency vehicle operations. This directive does not apply to maritime vessel pursuits, aircraft pursuing other aircraft, off-road vehicle (all-terrain vehicles, dirt bikes, etc.) pursuits, or pursuits on foot. This directive shall not be construed to limit the authority of authorized personnel to take immediate action, consistent with their training and legal authorities, when necessary to protect human life under exigent circumstances.

4. GUIDELINES.

- 4.1** Only authorized officers/agents who are trained and certified to engage in EDVPs may conduct EDVPs, and only when those EDVPs are deemed to be necessary and objectively reasonable as outlined in Section 8 of this directive.
- 4.2** CBP personnel shall employ objectively reasonable force, pursuant to constitutional and statutory authorities, to accomplish legitimate law enforcement objectives.
- 4.3** Vehicular Pursuits (VP) into foreign territories are expressly prohibited.

4.3.1 Any VP that is reasonably believed to be destined for a foreign country shall be communicated to the appropriate foreign agencies through established local standard operating procedures.

4.4 Local commands are prohibited from implementing independent pursuit policies, further modifying, or restricting the current policy without written approval from the CBP Commissioner.

5. AUTHORITIES/REFERENCES.

5.1 Title 7 U.S. Code (U.S.C.) § 7731b, *Inspections, Seizures, and Warrants*.

5.2 Title 8 U.S.C. § 111, *Assaulting, Resisting, or Impeding certain Officers or Employees*.

5.3 Title 8 U.S.C. § 1357, *Powers of Immigration Officers and Employees*.

5.4 Title 18 U.S.C. § 758, *High Speed Flight from an Immigration Checkpoint*.

5.5 Title 19 U.S.C. § 1433, *Report of Arrival*.

5.6 Title 19 U.S.C. § 1436, *Penalties for Violations of Arrival*.

5.7 Title 19 U.S.C. § 1459, *Reporting Requirements*.

5.8 Title 19 U.S.C. § 1461, *Penalties for Failure to Declare*.

5.9 Title 19 U.S.C. § 1581a, *Boarding Vessels*.

5.10 Title 19 U.S.C. § 1589a, *Enforcement authority of Customs Officers*.

5.11 Title 8 Code of Federal Regulations (C.F.R.) Part 287.8, *Standards for Enforcement Activities*.

5.12 Title 19 C.F.R. Part 162, *Inspection, Search, and Seizure*.

5.13 CBP Publication No. 4500-002A, *CBP Use of Force Policy*, dated January 2021 (as amended or superseded).

5.14 CBP Handbook No. 4500-002B, *CBP Use of Force - Administrative Guidelines and Procedures Handbook*, dated January 2021 (as amended or superseded).

5.15 CBP Directive No. 3340-025F, *Reporting Significant Incidents*, dated November 2, 2021 (as amended or superseded).

6. DEFINITIONS.

6.1 (b)(7)(E)

6.2 (b)(7)(E)

(b)(7)(E)

6.3 **CBP Authorized Officers/Agents:** All CBP law enforcement personnel as defined by the CBP Use of Force Policy, dated January 2021 (as amended or superseded).

6.4 **Checkpoint:** Any interior location at which a vehicular immigration inspection occurs.

6.5 **Emergency Driving:** Vehicle operations in a manner that requires taking exceptions to established traffic laws, while discharging official duties.

6.6 **Emergency Vehicle:** A marked or unmarked vehicle equipped with permanently or semi-permanently installed emergency equipment, including red and/or blue emergency lights and an audible siren.

6.6.1 **Marked Emergency Vehicle:** A vehicle equipped with emergency lights and an audible siren and has markings and/or insignia consistent with Agency standards that indicates to the public that it is an emergency vehicle.

6.6.2 **Unmarked Emergency Vehicle:** A vehicle equipped with emergency lights and an audible siren and does not have visible markings and/or insignia indicating it is an emergency vehicle.

6.6.3 **Primary Vehicle:** The first emergency vehicle immediately behind the subject vehicle.

6.6.4 **Secondary Vehicle(s):** Any emergency vehicle(s), from any agency, that becomes actively involved in a VP.

6.6.5 **Active Support Vehicle(s):** Any emergency vehicle(s), that becomes actively involved in a VP in a support capacity.

6.7 **Enforcement Action Statistical Analysis and Reporting (E-STAR):** The official CBP system of record for the documentation of assaults, reportable uses of force, vehicular pursuits, failures to yield, reportable firearms discharges, and other related data.

6.8 **Failure to Yield (FTY):** A subject vehicle continues traveling after a vehicle stop is initiated for a violation of law which the CBP authorized officer/agent has the authority to enforce (through the activation of emergency lights and siren), **AND** the subject does not stop within a reasonable time and distance.

6.9 (b) (7)(E) The official CBP system of record that provides oversight and lifecycle accountability for specified law enforcement assets, and equipment (including firearms, body armor, and munition launchers). (b) (7)(E) is also the official system of record for the documentation of use of force-related training and certifications.

6.10 **Law Enforcement Communications Center (LECC):** A location where law enforcement radio communications/operations are performed and monitored (e.g., Dispatch, (b) (7)(E) (b) (7)(E) command center, or duty desk).

6.11 **Offensive Driving Techniques (ODT):** Any driving technique consistent with CBP training intended to end a pursuit through intentional vehicle-to-vehicle contact.

6.12 **Port of Entry (POE):** An official CBP inspection area, including inbound/outbound traffic lanes (vehicle and pedestrian) and all land within the physical perimeter of all air, land, and seaports.

6.12.1 For privately owned facilities, “the CBP inspection area” is defined as the area up to and including the physical perimeter of the CBP inspection area, as defined by CBP’s Office of Field Operations, and indicated on the property plans.

6.13 **Port/Checkpoint Runner:** Any vehicle and/or person who fails to stop for an immigration inspection, secondary inspection, or flees from a POE/checkpoint without proper inspection.

6.14 **Pursuit (Vehicular/Vehicle Pursuit):** An attempt by CBP authorized officers/agents in an emergency vehicle to apprehend the occupants of a moving vehicle which has failed to yield or failed to stop at a designated POE or checkpoint (i.e. port/checkpoint runner).

6.15 **Pursuit Supervisor (PSUP):** A permanent or acting first level or higher law enforcement supervisor who has completed the requisite training and maintains the authority to oversee, authorize, or terminate a VP.

6.16 **Pursuit Termination (Terminate/Terminated):** A VP is considered terminated when the pursuing emergency vehicle(s) deactivates its emergency equipment and ceases any attempt to maintain visual contact with the subject vehicle.

6.17 **Reportable Use of Force:** (Reportable in E-STAR) Any use of deadly force; any intentional deployment of a CBP less-lethal device; or any use of a vehicle, weapon, physical tactic or technique that delivers (or is intended to deliver) (b) (7)(E) impact to a subject.

6.17.1 (b)(7)(E)
(b)(7)(E)

6.18 **Responsible Official (RO):** Individual responsible for implementation and oversight of CBP policies and procedures within their area of responsibility (*reference CBP Use of Force Policy Handbook, Chapter 2.B*).

6.18.1 Executive Assistant Commissioners (EAC); Chief, U.S. Border Patrol (USBP); Assistant Commissioners (AC); Chief Patrol Agents; Directors, Field Operations (DFO); Directors, Air and Marine Operations; Executive Director (XD) Law Enforcement Safety and Compliance Directorate (LESC); XD Office of Professional Responsibility (OPR); Division Directors, Office of Training and Development (OTD); and other officials designated in writing by the Commissioner.

6.19 **Regional Field Executive (RFE):** Chief Patrol Agents; Directors, Field Operations; Air and Marine Operations Directors.

6.20 **Supervisory Review:** Conducted by a permanent or acting law enforcement supervisor, who has completed annual sustainment training, was not involved in the VP or FTY, and who maintains the authority to review E-STAR reports for compliance.

6.20.1 **First Level:** Review of E-STAR reports at the Station, POE, or Unit.

6.20.2 **Second Level:** Review of E-STAR reports at the Sector, Field Office, Branch or higher level.

6.21 **Vehicle Immobilization Devices (VID):** Specialized devices whose deployment and design are intended to result in the controlled deflation of a vehicle's tires or otherwise cause a vehicle to stop. Commonly referred to as Controlled Tire Deflation Devices or Vehicle Interdiction Devices.

6.22 **Vehicle Incursion:** The unauthorized crossing of a vehicle over the international boundary of the United States at a place other than an operational POE.

7. RESPONSIBILITIES.

7.1 **CBP Office of the Commissioner, Commissioner.**

7.1.1 Establishes CBP EDVP policy.

7.1.2 Designates CBP's EDVP Executive Agent.

7.2 **Operations Support (OS), LESC.**

7.2.1 Serves as the Executive Agent for CBP EDVPs, with duties including programmatic oversight, strategy development, trend analysis as well as equipment research and authorization.

7.2.2 Maintains the reporting mechanism via E-STAR as required.

7.2.3 Annually, submit VP incident report(s) from the previous fiscal year to the CBP Commissioner. The annual vehicle report shall contain the information as outlined in *Appendix A*.

7.2.4 Coordinates and collaborates with OTD, as well as outside subject matter experts, to ensure training development and delivery is conducted in accordance with this directive.

7.2.5 Conducts reviews of E-STAR events for proper documentation and statistical information to identify pursuit best practices and recommendations.

7.3 **Enterprise Services (ES), OTD.**

7.3.1 Provides training (initial and annual guidance refresher/sustainment) to CBP employees and coordinates with the Agency's EACs; Chief, USBP; and ACs; on a unified EDVP training program.

7.4 Office of the Commissioner, OPR.

7.4.1 Responds to and reviews all VPs resulting in serious bodily injury or death.

7.5 Responsible Officials (ROs).

7.5.1 Ensure that subordinate personnel understand and comply with this directive and all associated training requirements.

7.5.2 Implement and enforce CBP's EDVP policies and procedures within their area of responsibility.

7.5.3 Ensure supervisor review of E-STAR events for compliance.

7.6 Regional Field Executives (RFEs).

7.6.1 The RFE, or their designee, will review all VP reports within their component and area of responsibility (Section 8.38), including available data, and other information pertaining to the incident (i.e., (b)(7)(E) footage, photographs of vehicle/property damage, witness statements, E-STAR reports, radio transmissions).

7.7 Pursuit Supervisors (PSUPs).

7.7.1 Monitor and authorize the continuation and/or termination of any EDVPs consistent with the guidelines set forth in this directive.

7.7.1.1 Any CBP law enforcement supervisor may direct the termination of any EDVP at their discretion. Rationale and other relevant details for the termination shall be included in the narrative section of the submitted E-STAR report (*pursuit termination is not limited to the pursuit supervisor actively managing the VP*).

7.7.2 Establish communication, operational, and managerial control over all VPs.

7.7.3 Approve or deny the use of ODTs and (b)(7)(E) techniques in accordance with tactics outlined in this directive.

7.8 CBP Authorized Officers/Agents.

7.8.1 Understand, acknowledge, and comply with all provisions of this directive including the termination of any EDVP that is/are not consistent with the guidelines in this directive.

7.8.2 Document all VPs, FTYs, and related data in E-STAR.

7.8.3 Notify a law enforcement supervisor via CBP LECC, as soon as safely practical, upon witnessing a subject vehicle committing any dangerous traffic violation.

7.8.4 Self-terminate any VP incidents if the law enforcement benefit of continuing such action no longer outweighs the risk to the public.

7.8.5 Complete and pass a CBP-approved, in-vehicle Driver Training Program and annual guidance refresher/sustainment training prior to performing any EDVP outlined in this directive.

7.8.6 Ensure completion of requisite CBP ODT training before employing ODT techniques to terminate a VP.

7.9 CBP Law Enforcement Communications Center (LECC) Personnel.

7.9.1 [REDACTED] (b)(7)(E)

[REDACTED] (b)(7)(E)

7.9.2 Ensure a CBP law enforcement supervisor is notified of the VP and advised of essential information regarding the event.

7.9.2.1 If a CBP law enforcement supervisor is not available, attempts must be made to contact a CBP law enforcement supervisor from an adjoining sector/office/branch/station/port/unit.

7.9.3 Notify appropriate Federal/state/local/tribal/territorial law enforcement agencies (to include USBP stations and OFO POEs) that a VP has been initiated and/or terminated.

7.9.4 Track and document both positive and negative responses to requests for AMO assistance.

7.9.5 Execute relevant records checks on all involved vehicles and advise authorized officers/agents of these records checks results, as appropriate.

7.9.6 Prompt the pursuing authorized officers/agents for missing information.

7.9.7 Periodically broadcast updates during the FTY and/or VP including termination.

8. PROCEDURES.

In General

8.1 Authorized officers/agents must operate all vehicles in a reasonable and prudent manner and:

8.1.1 Determine appropriate vehicle speed and operation within its/the drivers' capabilities.

8.1.2 Continually evaluate and balance the law enforcement benefit of, and need for, continued emergency driving, including such factors as:

8.1.2.1 Maintaining a probability of arrest;

8.1.2.2 The violation or suspected violation that the officer/agent is authorized to enforce against the subject(s);

8.1.2.3 Danger to the public should the emergency driving continue (e.g., road conditions, proximity to population centers, pedestrians, schools, traffic flow, etc.);

8.1.2.4 [REDACTED] (b)(7)(E) [REDACTED]

8.1.2.5 [REDACTED] (b)(7)(E) [REDACTED]
(b)(7)(E)

8.2 During the course of routine duties, it may be necessary for authorized officers/agents to engage in emergency driving for a variety of reasons that include, but are not limited to, catching up with subject vehicles, performing vehicle stops, responding to incursions, emergency calls, or requests for assistance.

8.2.1 Authorized officers/agents, or a PSUP when applicable, are responsible for determining when the immediate danger created by emergency driving outweighs the law enforcement benefit. This determination shall be reevaluated continually and, when necessary, emergency driving shall be reduced to a safe level and/or terminated. In situations not involving a FTY and/or VP, the same standard applies, and appropriate actions must be taken accordingly.

8.3 Authorized officers/agents may take reasonable exceptions to traffic laws without activating emergency equipment to develop reasonable suspicion or reduce the likelihood of initiating a VP. However, emergency lights and audible sirens must be activated if the authorized officer/agent disregards traffic control devices, determines that the subject vehicle is actively attempting to evade apprehension, and/or the officer/agent is engaged in a VP.

8.4 Authorized officers/agents engaged in vehicle stops, FTYs, and/or VPs will use CBP radio frequencies when available. The LECC will then coordinate any necessary notifications of other law enforcement agencies.

8.5 Upon VP termination, authorized officers/agents shall notify a law enforcement supervisor via CBP LECC.

8.5.1 The decision to terminate a VP shall not be overruled by any other involved or uninvolved CBP employee.

8.5.2 If subsequent visual contact is made with a subject(s) or vehicle(s) after a VP has been terminated:

8.5.2.1 Law enforcement supervisor approval is required before re-engagement if the vehicle is occupied and in motion.

8.5.2.2 Re-engagement is considered a new VP and must be treated accordingly including the justification of initiating or continuing a VP.

- 8.6 Authorized officers/agents are not required to receive prior approval for any driving maneuver designed to stop the movement of a driverless vehicle.
- 8.7 The use of alternatives to VPs, consistent with the CBP guidelines (including (b) (7)(E) (b) (7)(E)), are encouraged.

Vehicular Pursuits

- 8.8 Initiating a VP is authorized when there is reasonable suspicion to believe:
 - 8.8.1 The occupant(s) of the vehicle failed to stop for inspection at a POE or checkpoint, or
 - 8.8.2 The occupant(s) and/or vehicle committed a vehicle incursion between a POE, or
 - 8.8.3 The occupant(s) failed to yield to a CBP officer's/agent's attempt to stop them for an underlying violation of law in which the officer/agent has the authority to enforce.
- 8.9 A VP may continue only if both the authorized officers/agents and the PSUP determine that the law enforcement benefit outweighs the risk to the public.
- 8.10 Authorized officers/agents may initiate a VP prior to receiving PSUP approval but will communicate, via a CBP LECC, to a law enforcement supervisor they have initiated a VP.
 - 8.10.1 PSUP authorization is required for each CBP vehicle involved in a VP. Factors justifying the authorizations/prohibition of each vehicle must be articulated and documented in E-STAR.
 - 8.10.2 When PSUP notifications cannot be immediately completed, it is the responsibility of the engaging officer/agent to ensure the VP complies with this directive and law, and to terminate when a VP has been ongoing for an extended duration without law enforcement supervisor approval.

Prohibited Practices

- 8.11 CBP authorized officers/agents shall not pass other units involved in a VP, unless specific permission is given from the leading emergency vehicle or the PSUP.
- 8.12 Authorized officers/agents are prohibited from engaging in a VP while transporting any individuals that are not law enforcement or CBP employees.
- 8.13 Authorized officers/agents that have not completed official CBP ODT training are prohibited from making intentional contact with a fleeing vehicle unless preservation of life is articulated.
- 8.14 A PSUP shall not be directly engaged in the pursuit while overseeing or authorizing the FTY/VP, unless extenuating circumstances exist.

Vehicle Stops

8.15 Authorized officers/agents initiating a vehicle stop shall broadcast, at a minimum, as soon as safely practical, via CBP radio the following information (if applicable and known):

8.15.1 Current location and direction of travel;

8.15.2 Subject vehicle description (make, model, color, (b) (7)(E) and license plate number/state); and

8.15.3 (b)(7)(E)

(b)(7)(E)

Vehicle Positions

8.16 A CBP marked emergency vehicle shall be used in the primary vehicle position for CBP initiated VPs when reasonably possible.

8.16.1 Unmarked emergency vehicles may be used to initiate VPs as necessary.

8.16.2 All reasonable attempts should be made to include marked emergency vehicles in the primary and secondary position(s) of a CBP VP.

8.16.3 CBP marked emergency vehicles shall be available and properly positioned for quick deployment at all POEs and checkpoints.

8.17 In coordination with the PSUP, the primary vehicle has control over the VP.

8.17.1 Upon deciding to initiate, continue, or terminate a VP, the initiating authorized officers/agents will immediately notify a LECC via CBP radio. They shall provide the following details, along with any relevant information from Section 8.14 (if known):

8.17.1.1 Initiation of a VP and associated reason/justification (suspected violation of law);

8.17.1.2 Identification of the involved CBP unit(s) including current location, speed, and direction of travel;

8.17.1.3 Current weather conditions, road conditions, traffic conditions; and

8.17.1.4 The involvement of other law enforcement agencies, if any.

8.18 Upon the involvement of any additional CBP emergency vehicles, the primary vehicle shall notify the LECC (b) (7)(E).

8.19 VPs that involve multiple CBP components or other law enforcement agencies require precise coordination. The decision to assume or relinquish the primary vehicle role shall be made with the overall tactics and probability of arrest in mind.

8.19.1 Authorized officers/agents must consider vehicle capabilities, driving abilities/experience, knowledge of the area, and the ability to effectively communicate with other personnel when deciding to maintain or relinquish the primary position.

8.19.2 If another law enforcement agency requests to assume primary pursuit position, it is the primary pursuing authorized officer's/agent's responsibility to determine if, or when, to relinquish the primary position in the VP.

8.19.3 A supervisor can mandate that an authorized officer/agent relinquish or not relinquish the primary position.

8.20 Active support vehicle(s) can assist when additional support is needed for tactics like
[REDACTED]
(b)(7)(E)

8.20.1 At the discretion of the PSUP, [REDACTED] (b) (7)(E) if available, may be directed to follow the VP.

Tactics:

8.21
[REDACTED]
(b)(7)(E)

8.22
[REDACTED]

8.23
[REDACTED]

ODTs and (b)(7)(E) Techniques:

8.24 [REDACTED]
(b)(7)(E)

8.25 ODTs are considered uses of force and, depending upon the circumstance of use, may be considered deadly force. Accordingly, all uses of ODTs must meet applicable criteria of DHS and CBP Use of Force policies.

8.25.1 Officers/Agents must adhere to all applicable policies and procedures outlined in the CBP Use of Force Policy, CBP Use of Force Administrative Guidelines, and CBP Driver Training Program curriculum.

8.26 Only CBP authorized officers/agents who have successfully completed an Agency-approved in-vehicle Driver Training Program that includes EDVPs and ODTs, along with online annual guidance refresher/sustainment training, may employ ODTs or (b)(7)(E) to terminate a VP.

8.26.1 Authorized officers/agents who have transferred components within CBP are allowed to maintain their EDVP and ODT certifications with RO approval and annual guidance refresher/sustainment training.

8.27 Prior to utilizing an ODT or (b)(7)(E) tactic, approval is required from a PSUP who has completed annual EDVP refresher/sustainment training, unless an exigent circumstance that warrants the use of deadly force can be articulated.

8.27.1 PSUPs who have not attended a CBP in-vehicle training course (academy EDVPs and ODTs) are allowed to approve/deny any ODT or (b)(7)(E) request upon the successful completion of annual EDVP refresher/sustainment training.

8.28

(b)(7)(E)

8.29

(b)(7)(E)

Disposition

8.30 Vehicles, contraband, and subjects seized/arrested by any CBP officer/agent, after running through an operational POE (e.g., port runner), will be turned over to OFO for processing.

8.31 Vehicles, contraband, and subjects seized/arrested by any CBP officer/agent after committing a vehicle incursion or entering through a closed POE, will be processed by the CBP component that led the enforcement action.

Reporting (Reference Appendix B)

8.32 It is the responsibility of the initiating component to report the FTY or VP in E-STAR.

All reports shall be entered electronically into the E-STAR system within 24 hours of the conclusion of the event.

8.33 A single incident report will be produced to document the participation of all involved CBP personnel, CBP components, and other law enforcement agencies.

8.33.1 This report will include documentation of assaults, uses of force (including VIDs and ODTs), VPs, and FTYs.

8.33.2 Each CBP officer, agent, or supervisor involved in a VP will provide a narrative in the narrative section of E-STAR, detailing their role. The initiating officer/agent will include articulable suspicion justifying the vehicle stop and/or subsequent VP.

8.33.3 FTYs including port/checkpoint runners with no pursuit actions, will be reported in E-STAR by an officer/agent, law enforcement supervisor, or CBP LECC personnel.

8.33.3.1 At a minimum, FTY reports must include the time, date, names of involved officers/agents, location, vehicle identification/description, and a brief narrative, in the narrative section of E-STAR, outlining articulable suspicion, subject disposition, and any other relevant details.

8.33.4 The PSUP involved in an VP will include a narrative in the narrative section of E-STAR, outlining their role, approval/termination factors, and any pertinent details.

8.33.5 All relevant systems (e.g., (b)(7)(E)) shall be linked to the E-STAR report.

8.34 Officers/agents may be assisted in the preparation of these reporting requirements.

8.35 All provisions of the collective bargaining agreements must be observed with respect to all reporting requirements of this directive.

8.36 **First-Level Review:** A non-involved law enforcement supervisor at the station/port/unit-level shall conduct a review to ensure the report is complete and addresses all reportable elements outlined in this directive and shall submit all E-STAR reports within 72 hours of the event's conclusion.

8.37 **Second-Level Review:** All completed E-STAR reports shall be reviewed at the sector/field office/branch-level.

8.37.1 Second-level reviews will be documented in E-STAR and will assess alignment with the CBP guidelines, identify training needs based on trends or individual VPs, and recommend adjustments to training, procedures, or guidelines as necessary. The report shall be reviewed within five working days from the date of completion.

8.37.2 Second-level reviews are only required for FTY reports when the termination of a FTY (i.e., officer/agent deactivates emergency lights and siren) results in significant CBP implications, property damage, injury, or death without a direct nexus to CBP.

8.37.3 Findings from second-level reviews shall be communicated to the RFE through established internal mechanisms or protocols.

8.38 The RFE, or their designee, shall review all VP cases.

(b) (7)(E)

8.39 All EDVP incidents are subject to case review by headquarters-designated officials, LESC, and/or OPR to assess compliance, operational effectiveness, and other considerations.

8.39.1 Reviews may identify corrective actions and recommendations to enhance operational integrity and accountability.

8.39.2 Any corrective actions must adhere to established CBP guidance and directives.

Post Event Actions

8.40 If during the VP, there is *significant* property damage (Government or other), *serious* bodily injuries, and/or deaths (CBP or other), the event will be referred to the National Use of Force Review Board (NUFRB) for review.

8.41 If during a VP, there is property damage (Government or other), injuries (CBP or other), and/or uses of force, the event will be referred to the Local Use of Force Review Board (LUFRB) for review.

8.42 After all foreseeable official actions have been completed regarding a VP and any associated incidents, an after-action debriefing of the VP is required.

8.42.1 Appropriate supervisory and non-supervisory personnel should participate in the review.

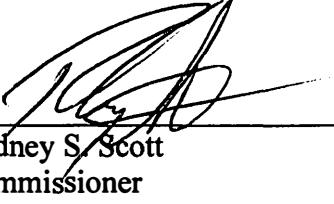
8.42.2 The review should include the entire event (pre-pursuit, pursuit, and post-pursuit) for the purpose of identifying lessons learned, best practices, and to enhance future training and improve effectiveness.

9. RECORDS MANAGEMENT.

9.1 VP incident reports involving any available audio/or video recordings of VP shall be maintained in accordance with established CBP directives. This directive is not intended to supersede or override any existing or current directives, or guidance regarding the capture, electronic storage, review or release of body worn, vehicular mounted, or fixed audio/video recordings or incidents captured during VP.

9.2 An electronic copy of all VP incident reports shall be accessible at the Headquarters, Sector, Field Office, or Branch.

10. **POINT OF CONTACT.** Direct all questions regarding this directive and the requirements it establishes to [REDACTED] (b)(7)(E)
11. **NO PRIVATE RIGHTS CREATED.** This directive is internal guidelines of CBP and does not create or confer any rights, privileges, or benefits upon any person, party, or entity.
12. **APPROVAL AUTHORITY.**



Rodney S. Scott
Commissioner
U.S. Customs and Border Protection

10/24/2028
(Date)

Appendix A: Annual Pursuit Report

Reference 7.2.3: Annually, the LESC will submit a VP incident report(s) from the previous calendar year to the CBP Commissioner. The annual vehicle report shall contain the following information:

- A. The number of failures to yield with no pursuit action each CBP component engaged in;
- B. The number of VPs each component engaged in;
- C. The number of VPs that were terminated by authorized officer/agent without supervisory direction, and the reason(s) for the termination;
- D. The number of VPs that were terminated pursuant to supervisory direction and the reason(s) for the termination;
- E. The number of vehicles that escaped apprehension after a VP;
- F. The number of VP incidents involving a fatality, injury, or damage to government or private property, as a result of the VP;
- G. The number of arrests that occurred contemporaneously, or as a result of the VP;
- H. The number of asset seizures that occurred contemporaneously, or as a result of the VP;
- I. The number of VPs that resulted in initiation of prosecution; and,
- J. Administrative actions – The number of VPs that resulted in initiation of a CBP or DHS Administrative action.

Appendix B:

**Nothing in this report shall supersede existing CBP Watch reporting responsibilities and/or CBP Motor Vehicle Management procedures, Personal Property and Asset Management procedures, and/or Occupational Safety and Health procedures as applicable, when emergency driving or vehicular pursuits result in injury or damage to equipment or property.*

(b)(7)(E)